

#10  
EX(1)CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that the attached documents are being transmitted via facsimile transmission to the Assistant Commissioner for Patents of the United States Patent and Trademark Office, via facsimile number (703) 872-9399, on this 10th day of October, 2002.

James L. Rowe  
Attorney/Agent for Applicants  
October 10, 2002  
Date

Attorney Docket No. 1165

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Bruce, et al. Date: October 10, 2002  
Serial No.: 09/766,399 Group Art Unit: 1634  
Filed January 19, 2001 Examiner: Einsmann, J.  
For: "Novel Plant Promoters and Methods of Use"

Assistant Commissioner for Patents  
Washington, D.C. 20231

TRANSMITTAL  
AMENDMENT AND EXTENSION OF TIME PETITION

Applicant(s) hereby petition for an extension of time for response from the date of the Examiner's action as needed, the fee being as follows:

<input checked="" type="checkbox"/>	reply within one month	\$ 110.00
<input type="checkbox"/>	reply within second month	\$ 400.00
<input type="checkbox"/>	reply within third month	\$ 920.00
<input type="checkbox"/>	reply within fourth month	\$1,440.00
<input type="checkbox"/>	reply within fifth month	\$1,960.00

Charge \$110.00 to Deposit Account No. 16-1852 for this extension of time.

Transmitted herewith is an amendment in the above-identified application.

10/24/2002 TTA001 00000001 161852 09766399

01 FC:1251

110.00 CH

Serial No. 09/766,399  
Group Art Unit: 1634

### Fee Calculation for Amended Claims

The fee is calculated as shown below:

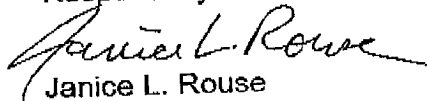
	Col 1		Col 2	Col 3	Other than a small entity	
	Claims Remaining After Amendment		Highest Number Previously Paid For	Present Extra	Rate	Additional Fee
Total	16	Minus	16	= 0	x 18 =	\$0.00
Indep	3	Minus	4	= 0	x 84 =	0.00
<input type="checkbox"/> First presentation of Multiple Dependent Claim					+ 280 =	
					Total	\$0.00

The "Highest Number Previously Paid For" (Total or Independent) is the highest number found from the equivalent box in Col. 1 of a prior amendment or the number of claims originally filed.

- ☒ No additional fee is required for the amendment(s).
- ☐ Charge \$ \_\_\_\_\_ for this amendment to Deposit Account No. 16-1852.  
Two copies of this form are enclosed.

Please charge any additional fees under 37 CFR 1.16 or 1.17 which may be required by this paper, or credit any overpayment, to Deposit Account No. 16-1852. Also, should the Patent and Trademark Office determine that the fee calculated in the above extension petition is not deemed sufficient to have this response considered as being timely filed, this constitutes a petition for extension of time for the minimum period to effect timely filing, and the Commissioner is authorized to debit any necessary fee to said deposit account.

Respectfully submitted,

  
Janice L. Rouse  
Agent for Applicant(s)  
Registration No. 52,183

PIONEER HI-BRED INTERNATIONAL, INC.  
Corporate Intellectual Property  
7100 N.W. 62<sup>nd</sup> Avenue  
P.O. Box 1000  
Johnston, Iowa 50131-1000  
Phone: (515) 270-3599  
Facsimile: (515) 334-6883

## CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that the attached documents are being transmitted via facsimile transmission to the Assistant Commissioner for Patents of the United States Patent and Trademark Office, via facsimile number (703) 872-9306, on this 10th day of October, 2002.

Janice L. Rouse  
Attorney/Agent for Applicant  
October 10, 2002  
Date

FAX RECEIVED

OCT 11 2002

GROUP 1600

**PIONEER HI-BRED INTERNATIONAL, INC.**  
**CORPORATE INTELLECTUAL PROPERTY DEPARTMENT**

## FAX TRANSMISSION

7100 N.W. 62<sup>nd</sup> Avenue  
P.O. Box 1000  
Johnston, Iowa 50131-1000

Phone: (515) 270-3599  
Fax: (515) 334-6883

OFFICIAL

TO: Assistant Commissioner for Patents

FROM: Janice L. Rouse, Registration No. 52,183

RE: U. S. Patent Application No. 09/766,399; Attorney Docket No. 1165

DATE: October 10, 2002 FAX NUMBER: (703) 872-9306

NUMBER OF PAGE(S) FOLLOWING THIS SHEET: 20

## COMMENTS:

Attached -

- Transmittal Amendment and Extension of Time Petition / 2 pgs.
- Amendment and Request for Reconsideration / 18 pgs.

The contents of this facsimile are or may be attorney privileged and/or confidential and are intended only for the use of the recipient identified above. If the reader of this message is not the identified recipient, or the employee or agent responsible for delivering it to the identified recipient, you are hereby notified that any dissemination or use of this communication is unlawful and strictly prohibited. If you have received this communication in error, please immediately notify the sender by telephone and return the original message to the sender at the above address via the U.S. Postal Service. Anyone so cooperating will be reimbursed for the reasonable expense incurred.

If there is a problem with transmission or illegible pages, please contact the sender.